



February 28, 2024

Hon. Peggy Kuo  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201  
VIA ECF ONLY


Re: *Shkolir, et. al v. RX2GO, Inc., et. al.*; 1:23-cv-7256-OEM-PK (EDNY)  
MOTION TO EXTEND TIME TO AMEND COMPLAINT

Your Honor:

I represent the Plaintiffs in the above-referenced action. Pursuant to the Scheduling Order dated January 31, 2014 [Dkt. 16], the deadline to amend pleadings is March 1, 2024. Plaintiffs respectfully request an extension of 45 days, to April 15, 2024, to file an Amended Complaint.

The reasons for this request are three-fold. First, my firm has asked our clients to provide us with copies of documents to which they have access. This is in process but they are sending them by US Mail, and we have not received them yet. Second, Plaintiff's counsel was hoping to have received some time and pay data from defense counsel in conjunction with their initial disclosures, but nothing was provided. We do note that today the Court ordered in part, "The parties are directed to exchange all information necessary for a successful mediation as soon as possible," so we are optimistic that Defendants will indeed provide this information soon. Third, I have been trying for several weeks now (starting Feb. 3 and trying consistently ever since) to schedule a call with opposing counsel to discuss the substance of the amended complaint so that I can understand all points that Defendants might take issue with in the complaint so that my revisions would hopefully abnegate the need for a motion to dismiss entirely. Due to scheduling challenges for both of us, we have not yet been able to have this call. We had even proposed a call for today but did not get that set either. Relatedly, it remains my intent

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to share my draft of the amended complaint with opposing counsel so that we can determine whether the motion to amend it would be opposed or not. Due to the above gaps in information I am not yet able to share a draft.

We will continue to make efforts to schedule a call in order to discuss, inter alia, the amended complaint as well as new dates for the parties' exchange of offers.

Pursuant to the Court's individual practice standards, the following is offered:

- a. The original date to amend pleadings: March 1, 2024; no previous requests have been made.
- b. The reason for the request: See above.
- c. The number of previous requests for adjournment or enlargement: None.
- d. Whether these previous requests were granted or denied: No previous requests have been made.
- e. Whether the adversary consents, and, if not, the reasons given by the adversary for refusing to consent: As indicated above I have not been able to connect with defense counsel despite multiple attempts.

This request is not anticipated to impact or affect any other deadlines in this case.

Thank you for your consideration.

Sincerely,



Penn Dodson, Esq.

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